

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CINDY DESIR, on behalf of herself, FLSA Collective
Plaintiffs and the Class,

Plaintiff,

-v-

NYU LANGONE HEALTH SYSTEM, et al.,

Defendants.

CIVIL ACTION NO.: 19 Civ. 8144 (SLC)

SETTLEMENT APPROVAL

SARAH L. CAVE, United States Magistrate Judge.

The parties in this wage-and-hour case under the Fair Labor Standards Act (“FLSA”) have consented to my jurisdiction under 28 U.S.C. 636(c) and Fed. R. Civ. P. 73 for all purposes (ECF No. 66), and have now submitted a joint Letter-Motion in support of settlement (ECF No. 68) and proposed settlement agreement (ECF No. 68-1) for approval under Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015). Courts generally recognize a “strong presumption in favor of finding a settlement fair” in FLSA cases like this one, as courts are “not in as good a position as the parties to determine the reasonableness of an FLSA settlement.” Souza v. 65 St. Marks Bistro, No. 15 Civ. 327 (JLC), 2015 WL 7271747, at *4 (S.D.N.Y. Nov. 6, 2015) (citation omitted).

Having carefully reviewed the joint Letter-Motion in support of settlement, the Settlement Agreement, and the accompanying exhibits, the Court finds that all of the terms of the proposed settlement, including the reimbursement of costs to Desir’s counsel, who has agreed not to seek reimbursement of attorneys’ fees (see ECF No. 68 at 3), appear to be fair and reasonable under the totality of the circumstances and in light of the factors enumerated in

Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012). Accordingly, the Court approves the settlement.

This action is dismissed with prejudice and without costs except as may be stated in the Settlement Agreement. The Court will retain jurisdiction to enforce the Settlement Agreement. Any pending motions are moot. The Clerk of Court is respectfully requested to close ECF No. 68, mark it as “granted,” and close this case.

Dated: New York, New York
January 14, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge